



***Statement to the Michigan Senate Agriculture Committee
Regarding SB 108 and SB 109
October 5, 2017***

Good morning. My name is Wendy Lockwood Banka. I am the President of the Michigan Small Farm Council, a non-profit organization of over 500 members that has advocated for small farm rights at the state level since 2012. I also own a company called Mighty Fine Poultry Processing, which is working to establish a new USDA-inspected poultry processing facility in Washtenaw County. And finally, I own a second company called the Residue Report, which is working to test meat products sold at grocery stores for veterinary drug residues.

I'd like to begin by thanking Senator Hune and the rest of the Senate Agriculture Committee for making time to hear testimony from those who, like me, are interested in the policy implications of SB 108 and SB 109 on small farmers in Michigan.

As I understand it, these bills are the outcome of intense public interest in changes proposed to the 2014 Site Selection GAAMP, which many small farmers interpreted as an effort by the Michigan Department of Agriculture and Rural Development (MDARD) to restrict existing legal rights of small farmers under the Michigan Right to Farm Act (RTFA). These proposed changes to the 2014 Site Selection GAAMP were announced in January of 2014, along with a 2-week public comment period. In most years MDARD receives a dozen or fewer comments to proposed changes to the GAAMPs, but in 2014 they received 721 public comments by the deadline, with 684 of those opposed to the proposed changes. Public comments continued to pour in after the deadline, such that by the end of March more than a thousand small farmers had engaged and attempted to influence agricultural policy around their small farm interests. Despite this unprecedented response, four Commissioners voted against the interests of small urban and rural farmers in Michigan, and approved the changes to the 2014 Site Selection GAAMP.

In May of 2014 I and many others testified before this committee about the process that led to the approval of the 2014 Site Selection GAAMP, and in response an Urban Livestock Workgroup was established by Senator Hune and MDARD Director Jamie Clover Adams. I was invited to participate in the Urban Livestock Workgroup, and I did so. While grateful for that opportunity, I would note that although the Workgroup was tasked with addressing issues of urban livestock agriculture in the state, only one or two of the 20 or so workgroup members had actually ever engaged in urban livestock agriculture, and only two or three other members had a history of advocating for urban agriculture rights. Thus the proponents of urban livestock agriculture were a significant minority on the Urban Livestock Workgroup. In the end, the Urban Livestock Workgroup voted to approve a number of recommendations, including introduction of a bill to establish the Urban Agriculture Act. SB 108 and SB 109 are the result of that recommendation.

The primary work of SB 108, the Urban Agriculture Act, is to give authority to the Michigan Commission of Agriculture and Rural Development to appoint an urban livestock advisory committee tasked with developing recommended guidelines for the raising of livestock in urban and suburban areas, and to use the recommendations to establish approved guidelines for raising livestock in urban and suburban areas. I am opposed to this bill for the following reasons:

- First, the Michigan Commission of Agriculture and Rural Development has not shown itself to be responsive to the interests of urban and suburban farmers in Michigan, as evidenced by their lack of response to the thousand or more small farmers who attempted to engage with them over the issue of the 2014 Site Selection GAAMP. Indeed, to my knowledge, there is not now and never has been a Commissioner who has personal experience in urban livestock agriculture, and little evidence that Commissioners are willing to advocate for the interests of small farmers in urban and suburban areas. Commissioners of Agriculture and Rural Development are not experts in urban agriculture, and handing them the authority to develop urban agriculture guidelines seems unlikely to benefit urban and suburban livestock farmers. Instead, I would ask that the legislature keep policy-making authority around urban and suburban agriculture, such that voters with various interests can appeal to you, our elected representatives, to sort and weigh different viewpoints as you work to establish state-level policy around this important issue.
- Second, if SB 108 is to go forward, I recommend that before advancing it out of committee, consideration is given to the question of which farmers will and which will not be impacted by this bill. In particular, many small farmers in rural areas find themselves on residentially-zoned parcels, and could conceivably be impacted by this bill. I recommend that you request a summary from MDARD of how they would interpret this legislation in terms of Category 3 and Category 4 farms, and how they would apply those standards to all Category 3 and Category 4 farms that have requested their assistance since 2011. I believe this will provide a clear view to all interested parties as to the potential impact of this bill over a wide range of small farm situations.
- Third, if SB 108 is to advance, I further recommend that language be added to make all meetings of the urban livestock advisory committee subject to the Open Meetings Act, such that all interested parties will have an enduring right to understand the process by which recommendations are being made, and will have an opportunity to offer public comments during that process.
- Fourth, if SB 108 is to advance, I recommend that the language be changed to require annual rather than biannual review by the Agriculture Commission, as is standard for other regulatory processes overseen by the Commission, such as the GAAMPs.
- Finally, if it is your intent to advance SB 108 to consideration by the full legislature, I ask that language be added to require that at least one Agriculture Commissioner be actively engaged in urban or suburban livestock agriculture. Without this provision, urban and suburban farmers will have no representation on a Commission that has authority over regulating their practices.

In contrast to SB 108, the work of SB 109 appears to be to prohibit local units of government from adopting or enforcing provisions that regulate the raising of livestock in urban or suburban areas unless

the zoning ordinance provisions meet three sets of regulations: the guidelines established by the Commission under the Urban Agriculture Act, the Right to Farm Act, and the GAAMPs. I am opposed to this bill for the following reasons:

- First, conflicts between the guidelines, the RTFA, and the GAAMPs are inevitable, and urban livestock farmers will continue to be in a poor position to move forward with their efforts. Minimally, the GAAMPs should be removed from this list since they are already encompassed within the language of the RTFA.
- Second, line 5 of SB 109 requires that zoning provisions be *consistent* with the guidelines, and suggests that local units of government will not be allowed to be more permissive than the guidelines if they so choose. For example, if the guidelines do not provide for the keeping of chickens but a given municipality wishes to provide that right, they would not be able to do so under the current wording. Thus Line 5 should not require that all zoning provisions be consistent with the guidelines, but rather that the guidelines be considered as a minimum rather than as a maximum standard of what must be provided for in the zoning ordinance.

Instead of SB 108 and SB 109, I believe that urban and suburban livestock farmers in Michigan would be better served by House Bill No. 4266, the Homestead Subsistence Farming Act, which provides broad legal protection for reasonable numbers of poultry, livestock, and other farm animals. Alternatively, instead of SB 108 and SB 109, sections could be added to the existing GAAMPs to include the regulation of small-scale farms, in ways that are respectful of neighboring properties. In my view either of these options would be preferable to SB 108 and SB 109, and I strongly urge you to move forward with one of these, rather than SB 108 and SB 109.

Thank you very much for your time and attention.



Wendy Lockwood Banka
President, Michigan Small Farm Council